

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

ALONZO AUSTIN )  
                  )  
Plaintiff,      )  
                  )  
v.                )                   3:07-cv-754-MHT  
                  )  
CITY OF TUSKEGEE, *et al.*,    )  
                  )  
Defendants.     )

**DEFENDANTS' RESPONSE TO PLAINTIFF'S  
MOTION TO COMPEL DISCOVERY**

COME NOW the Defendants in the above-styled case, by and through counsel, and respond to the Plaintiff's Motion to Compel as follows:

1. On October 29, 2007 this Honorable Court entered a Scheduling Order requiring that all discovery be completed on or before January 30, 2008. To comply with this Order, Plaintiff's Interrogatories and Requests for Production had to be filed not later than the end of December 2007, to allow these Defendants the 30 days mandated by the *Federal Rules of Civil Procedure* in which to reply.

2. As Plaintiff admits in his Motion, these Defendants received Plaintiff's discovery requests by mail on January 8, 2008. Therefore, Plaintiff's discovery requests were not timely filed pursuant to this Court's Scheduling Order and no response is required of these Defendants.

WHEREFORE, on the grounds set forth above, Defendants City of Tuskegee, Mayor Johnny Ford, Judge Albert C. Bulls, III, Chief Lester Patrick, Honorable R. Keith Thomas, and Officer Bernice Dawson respectfully pray this Honorable Court deny the Plaintiff's Motion to Compel.

s/S. Mark Dukes

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S. MARK DUKES (ASB-9697-U77S)  
Counsel for Defendants City of Tuskegee,  
Mayor Johnny Ford, Judge Albert C. Bulls,  
III, Chief Lester Patrick, Honorable R.  
Keith Thomas, and Officer Bernice Dawson

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I hereby certify that an exact copy of the foregoing instrument has been served  
(a) through the Court's e-filing system; (b) by placing a copy of same in the United  
States Mail, postage prepaid and properly addressed; and/or (c) by personal/firm  
e-mail to

Mr. Alonzo Austin  
1321 Oliver-Carlis Road  
Tuskegee, AL 36083

on this the 19th day of February, 2008.

s/S. Mark Dukes  
OF COUNSEL